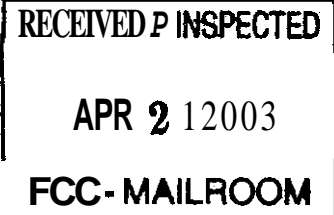


Federal Communications Commission
Washington, D.C. 20554



In the matter of Request for Review of }
the Decision of the }
Universal Service Administrator by }
 }
The North American Family Institute }
Danvers, Massachusetts }
 }
Federal-State Joint Board on Universal Service }
 }
Changes to the Board of Directors of the }
National Exchange Carrier Association, Inc. }

FCC DOCKET NO. 96-45

FCC DOCKET NO. 97-21

WAIVER REQUEST

i. Introduction

This is a request for a waiver of the deadline for appeal of a SLD ruling on a 471 application (471 #330398) by the North American Family Institute (NAFI) (billed entity #227003). For the reasons which follow, NAFI respectfully requests that the FCC grant its waiver request.

ii. Statement of the Relevant Facts

The North American Family Institute, Inc (NAFI) is a non-profit human service agency with a mission to create diverse and innovative services to help individuals assume control over their lives and become responsible and productive citizens. As a multi-state organization, we deliver a wide array of services for children, adults and families who need guidance, mental health, educational and integrated systems of treatment and support. One significant part of our program is alternative K-12 schools for youth with special needs. These schools operate under the appropriate state

NAFI sent the subject appeal by the U.S. Postal Service on 02/25/2003. The appeal was unusually and unexpectedly delayed by the Postal Service until 03/03/2003 (see Postal receipt #1). NAFI contends that posting the appeal on 02/25/2003 was a prudent course of action. We cite two pieces of evidence. First, a second appeal (see attached Postal receipt #2) was filed on the same day. It was received by the SLD in the foreseen time on 02/27/2003. Second, the letters posted by the SLD to NAFI acknowledging receipt of the appeals were also delivered in a timeframe that was consistent with the appropriateness of our action in filing the appeal when we did. All this evidence supports NAFI's contention that it acted in a prudent and reasonable fashion that was well within the E-Rate program rules.


b. Whether the delays **in** delivery were beyond the control **of NAFI??**

We believe and assert that the appeal was posted in a reasonable time-frame and that the delivery delays were entirely unexpected and unforeseeable. The delays were beyond the control of NAFI. Neither NAFI nor its students and families should be asked to forgo necessary technology or incur excess expense as a result of delivery delays on the part of the U.S. Postal Service that were beyond NAFI's control.

v. **Relief Sought**

For the reasons stated above, NAFI respectfully requests that the FCC issue a waiver of the appeal deadline and order that NAFI's appeal be remanded to the **SLD** for full consideration on its merits.

Respectfully submitted,
THE NORTH AMERICAN FAMILY INSTITUTE

By: 
Daniel Nakamoto
Executive Director of Administration
10 Harbor St
Danvers, MA 01923

Postal receipt #1

9760 8166 1000 0001 2002

U.S. Postal Service
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com.

OFFICIAL USE

WHIPPANY, NJ 07981

Postage	\$ 3.85	UNIT ID: 0923
Certified Fee	2.30	Postmark Here
Return Receipt Fee (Endorsement Required)	EB 25 2008.75	Clerk: KYR7CB
Restricted Delivery Fee (Endorsement Required)		02/25/03
Total Postage & Fees	SPS 7.90	

Sent To: *Letter of Appeal - SLD*
Street, Apt. No., or PO Box No.: *Box 125, 85 South Jefferson Rd.*
City, State, ZIP+4: *Whippany, NJ 07981*

PS Form 3800, June 2002 See Reverse for Instructions

SENDER, COMPLETE THIS SECTION

☐ I am enclosing a return address label.

☐ I am enclosing a return address label on the reverse of this card to return the card to you.

☐ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article addressed to:

Letter of Appeal
SLD
Box 125 - Correspondence
85 South Jefferson Rd.
Whippany, NJ 07981

2. Article number (Transfer from service label)

7008 2030 0001 9760 8166

PS Form 3811, August 2001 Domestic Return Receipt 2ACPR1-03-Z-0985

RECIPIENT, COMPLETE THIS SECTION

☐ Yes ☐ No

Received by (Printed Name) *[Signature]*

☐ Yes ☐ No

3. Delivery address different from above? YES, enter delivery address below.

☐ Yes ☐ No

4. Restricted Delivery? (Extra Fee) ☐ Yes ☐ No

5. Service Type

☐ Certified Mail ☐ Express Mail

☐ Registered Mail ☐ Return Receipt for Merchandise

☐ Insured Mail ☐ Signature Required

Postal receipt #2

7002 2030 0001 9760 8173

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com.

OFFICIAL USE

UNIT ID: 0923

Postage \$ 5.30
Certified Fee 2.30
Return Receipt Fee (Endorsement Required) 1.75
Restricted Delivery Fee (Endorsement Required) 0.00
Total Postage & Fees \$ 9.35

Postmark Here
Clerk: KYR7CQ
02/25/03

Sent To: *Letter of Appeal - SLD*
Street, Apt. No., or PO Box No.: *Box 125, P.O. South Jefferson Rd*
City, State, Zip+4: *Whippany, NJ 07981*

PS Form 3800, June 2012 See Reverse for Instructions

SENDER COMPLETE THIS SECTION

1. Article Addressed to:
*Letter of Appeal
Schools and Libraries Div
Box 125 - Whippany
P.O. South Jefferson Rd
Whippany, NJ 07981*

2. Article Number:
(Transfer from article label) *7002 2030 0001 9760 8173*

PS Form 3811, August 2001 Domestic Return Receipt 2ACPFH 05-2 0005

RECEIVER COMPLETE THIS SECTION

1. Article Received by:
[Signature]

2. Article Received on:
FEB 27 2003

3. Article Received at:
[Signature]

4. Article Received for:
[Signature]

5. Article Received by:
[Signature]

6. Article Received on:
[Signature]

7. Article Received at:
[Signature]

8. Article Received for:
[Signature]

9. Article Received by:
[Signature]

10. Article Received on:
[Signature]

11. Article Received at:
[Signature]

12. Article Received for:
[Signature]

Ponca City Public Schools

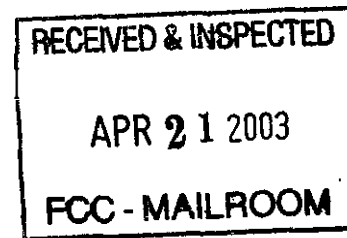
111 West Grnd — Ponca City, Oklahoma 74601
Phone (580) 767-8000 — Fax (580) 767-8007

4/16/03

Dear Sir or Madam:

Contact Information:

Name: Jerry Jantz
Address: 111 W. Grand Ave.
Ponca City, OK 74601
Telephone: 580-767-8000 ext. 253
Fax: 580-767-8007
Email: jantzj@poncacity.k12.ok.us



CC Docket Nos. 96-45 and 97-21

This is to appeal the denial of an appeal to the SLD dated on August 30, 2002 on FCC Form 471 Application Number 291588. The Certification papers were sent by certified mail on December 18, 2002 and the SLD signed that they received the Certification on December 21, 2002. However, the Certification was not processed.

The SLD denied the appeal because they could not find the Certification, even though they had signed the certified mail receipt. I do not believe that the SLD's ruling is fair to the Ponca City Public Schools because we completed the Certification, mailed it by certified mail and they signed the receipt indicating that they had received it. We do not have any control over what they do with the Certification after they have received it.

I believe that the SLD should be held responsible in this case and that the denial of appeal from the SLD should be reversed and that the FCC Form 471 Application Number # 291588 be funded.

Each Form 471 that the Ponca City Public Schools filed was sent in separately. In the appeal denial the SLD stated "After a review of our records we were unable to find an FCC Form 471 Certification for application # 291888. However, we found FCC Form 471 Certifications for the following application #'s: 291886, 291879, 291712, 291900 and 219923.

I cannot understand how the Ponca City Public Schools can be penalized when we completed the Certification, and the SLD received it, but never processed the Certification.

Form 471 Information:

Applicant Name: Ponca City Indep Sch Dist 71

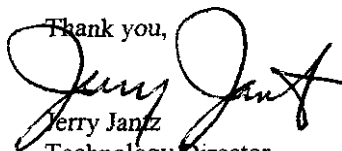
Form 471 Application Number: 0000291588

Billed Entity Number: 140269

Funding Request Numbers: 0000748080, 0000745095, 0000745100, 0000745104, 0000745109, 000745114, 0000745117, 0000745118, 0000745122, 0000745125, 0000745127, 0000745131, 0000745136, 0000745143.

I am asking that you overturn the denial of appeal of the SLD for the Form 471 Certification because the SLD did receive the Certification, but somehow they did not properly process it.

Thank you,


Jerry Jantz
Technology Director
Ponca City Public Schools

Enclosures:

Copy of Appeal Denial
Copy of SLD Appeal letter
Copy of certified mail receipt
Copy of Form 471 Certification
Copy of Agreements

No. of Copies rec'd 0
LS. ABOVE